IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2841 of 2003

Between:

Chepyala Augaiah, S/o.Peramaiah, 55 years,
R/o.Hanuman Nagar, Siddipet, Medak District.

...PETITIONER

AND

1. The District Collector, Medak District, Medak, at Sanga Reddy.
2. The Revenue Divisional Officer, Siddipet, Medak District.
3. The Mandal Revenue Officer, Siddipet, Medak District.
4. The Executive Officer, Gram Panchayath, Lingapeddypally, Medak District.
5. Yuva Varthaka Sangam, regd.no.2726/94 rep.by its President A.Ramulu, S/o.Gouraiah, R/o.11-1-59/8/A, Sivajinagar, Siddipet, Karimnagar District.

(R5 is impleaded as per Corut order dated 22.03.2004 in W.P.M.P.No.6043 of 2004)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of writ of mandamus, declare the action of the respondents in dispossessing/demolition of the house of the petitioner in 200 square yards of land in Sy.No.1150 of Lingareddypally Village, Siddipet Mandal, Medak District as illegal, arbitrary and unjust and consequently direct the respondents to consider the petitioner's representation dated 07.01.2003

for assignment of patta for the said land.

Counsel for the Petitioner: MR.M.S.N.PRASAD

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: MR.G.V.SHIVAJI

The Court made the following:

ORDER:

The petitioner claims to be in possession of 200 square yards of land in Survey No.1150 of Hanumannagar, Siddipet Mandal, Medak District. The Mandal Revenue Officer (MRO) treated the occupation of the petitioner as an encroachment and initiated action under A.P.Encroachment Act, 1905 ('the Act' for brevity). A notice under Section 7 of the Act was issued, calling upon the petitioner to remove the encroachment and he was also asked to show cause as to why he should not be evicted. Apprehending the eviction, even before his representation could be considered, the petitioner approached this Court and obtained interim orders of stay of eviction.

Yuva Varthaka Sangam, the fifth respondent who was subsequently impleaded, now seeks to vacate the interim orders on the allegation that the petitioner was already vacated. A counter is also filed by the MRO stating that the petitioner is in occupation of the land, which forms part of the Hindu burial ground.

A reading of the impugned order/notice, dated 12.10.2002 under Section 7 of the Act would show that the petitioner is still in possession of the land. Further, he has submitted an explanation on 07.01.2003. In that view of the matter, till the matter is finally disposed of by the MRO, if the petitioner is in possession, he cannot be evicted. It is made clear that the MRO shall pass necessary orders within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by any orders of eviction, it shall be open to him to file an appeal before the second respondent under Section 10 of the Act.

The Writ Petition, with the above observations, is disposed of. *Status quo* as on today shall be maintained.

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(V.V.S.RAO, J)

26th August 2004

RRB

Copy To:

1. The District Collector, Medak District, Medak, at Sanga Reddy.
2. The Revenue Divisional Officer, Siddipet, Medak District.
3. The Mandal Revenue Officer, Siddipet, Medak District.
4. The Executive Officer, Gram Panchayath, Lingapeddypally, Medak District.
5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.